

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

SCOTT HABLUTZEL, Y46216,

Plaintiff,

v.

FAYETTE COUNTY ILLINIOS, FAYETTE
COUNTY SHERIFFS DEPT, VANDALIA
POLICE DEPARTMENT, RONNIE
STEVENS, DUSTIN CADE, BLAIN
REDMAN, and BROC RICH,

Defendants.

Case No. 23-cv-3770-NJR

MEMORANDUM AND ORDER

ROSENSTENGEL, Chief Judge:

Plaintiff Scott Hablutzel, an inmate of the Illinois Department of Corrections (IDOC) currently detained at Graham Correctional Center, brings this action for deprivations of his constitutional rights during the state court proceedings that led to his incarceration. Hablutzel describes multiple interactions and searches with local law enforcement from March 19, 2021, through March 24, 2021, that ultimately led to him being charged and convicted of being a felon in possession of a weapon.

The Court notes that this Complaint was received on October 13, 2023, and that on the same day, the Court received three additional complaints from Mr. Hablutzel. The cases were opened as follows: *Hablutzel v. Fayette County Illinois, et al.*, 23-cv-3370-NJR; *Hablutzel v. Fayette County Illinois, et al.*, 23-cv-3371-DWD; *Hablutzel v. Fayette County Illinois, et al.*, 23-cv-3372-JPG; and *Hablutzel v. Fayette County Illinois, et al.*, 23-cv-3375-JPG. All four complaints concern interactions from March 19-24, 2021, in the lead up to Hablutzel's state court prosecution.

Two of the complaints – cases 23-cv-3370-NJR and 23-cv-3371-DWD – are identical word-for-word. However, in case 23-cv-3370-NJR, the complaint has just four pages and does not contain a demand for relief or a signature, whereas in case 23-cv-3371-DWD, the identical complaint is six pages long and does contain a demand for relief and a signature.

Before the Court further evaluates the potential merits of these two matters, it will afford Plaintiff the opportunity to review the complaints in 23-cv-3370-NJR and 23-cv-3371-DWD, and to notify the Court if he actually meant to file two separate cases, or if he meant to only file a single case.

To assist with this task, the Clerk of Court is **DIRECTED** to send Mr. Hablutzel copies of the complaints in cases 23-cv-3370 (Doc. 1) and 23-cv-3371 (Doc. 1). Mr. Hablutzel shall have **21 days** to inform the Court if he wants to pursue two separate cases, or if this was a mistake and he only intended to file a single case for these allegations. Mr. Hablutzel must tell the Court in writing which case – 23-cv-3370-NJR or 23-cv-3371-DWD – he would like to pursue. If Mr. Hablutzel does not notify the Court of his intention within 21 days, both cases will proceed. This would mean that Mr. Hablutzel will have to pay \$350 for each case, and he will run the risk of incurring a ‘strike’¹ for each case.

IT IS SO ORDERED.

DATED: November 28, 2023

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive style. To the right of the signature is a circular official seal of the United States District Court for the District of Columbia, featuring an eagle and the words "U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA".

NANCY J. ROSENSTENGEL
Chief U.S. District Judge

¹ 28 U.S.C. § 1915(g) provides that “[i]n no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.”